

MAY 27 2003

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

Federal Communications Commission
 Office of Secretary

In the Matter of)	
)	EB Docket No. 03-85
Business Options, Inc.)	File No. EB-02-TC-151
)	NAL/Acct. No. 20033217002
Order to Show Cause and)	FRN No. 0007179054
Notice of Opportunity for Hearing)	

To: Business Options, Inc.

**ENFORCEMENT BUREAU'S REQUEST FOR
 ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**

The Enforcement Bureau, pursuant to section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, hereby requests that, within ten (10) days of service of this request, Business Options, Inc. ("BOI") admit to the truth of each of the following facts and admit to the genuineness of each of the attached documents, as set forth in the following numbered paragraphs. Each response by BOI shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response. BOI is reminded that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested he shall specify so much of it as true and deny only the remainder." 47 CFR § 1.246(b).

Definitions

For this document, the following definitions apply:

"BOI" means Business Options, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, any wholly or partially owned subsidiary, successor-in-interest or other

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affiliated company or business, including, but not limited to, Avatar, Buzz Telecom and US Bell, and all directors, officers, employees, shareholders or agents of BOI and/or the foregoing, including consultants and any other persons working for or on behalf of BOI and/or the foregoing at any time during the period covered by this Request (generally, January 1, 2000, to the present), unless otherwise noted.

“Qwest” means Qwest Communications Corp.

“Verizon” means Verizon, as well as Verizon New England.

“Sprint” means Sprint Corporation and Sprint Missouri, Inc.

“SBC” means SBC Telecommunications, Inc.

“USBI” refers to the billing agent apparently used by BOI relative to charges for telephone service provided by BOI to its residential (as opposed to business) customers.

“InterLATA/toll” means telephone service from one local access transport area to another (see 47 C.F.R. § 51.5); such service is generally referred to as “long distance” service (whether intrastate or interstate).

“IntraLATA/toll” means telephone service within a local access transport area (see 47 C.F.R. § 51.5) for which an additional charge per call is imposed.

The “Act” means the Communications Act of 1934, as amended.

“BOI Management” means at least any one director, officer, manager and/or supervisor of BOI, including, but not limited to, Kurtis Kintzel, Keanan Kintzel, Elizabeth Ontiveros Rosas, William Brzycki, Shannon Dennie, Gene Chill, Katrina Reillo and Lisa Green. (See, e.g., requests #s 40, 713, 714, 718, 721, 722, 728, 729, 741 and 755)

An “appropriately qualified independent third party” means an entity that is not owned, managed, controlled, or directed by BOI; must not have any financial incentive to confirm preferred carrier change orders for BOI; and must operate in a location physically separate from BOI. *See* 47 C.F.R. § 64.1120(c)(3).

ADMISSIONS REQUESTS

1. BOI operates as a common carrier under Title II of the Act.
2. BOI has operated as a common carrier under Title II of the Act since January 2000.
3. BOI operates as a long distance provider to consumers in 46 states.
4. BOI resells long distance service provided by Qwest.
5. BOI is a non-dominant carrier as that term is used in 47 C.F.R. § 63.71.
6. Kurtis Kintzel is BOI’s President.
7. Kurtis Kintzel has been BOI’s President from January 1, 2000, to the present.
8. Kurtis Kintzel holds a 70 percent equity interest in BOI.
9. Kurtis Kintzel has held a majority equity interest in BOI from January 1, 2000, to the present.
10. Kurtis Kintzel has been Chairman of the Board of Buzz Telecom from January 1, 2000, to the present.
11. Kurtis Kintzel has been President of Buzz Telecom from January 1, 2000, to the present.
12. Keanan Kintzel is BOI’s Secretary/Treasurer.

13. Keanan Kintzel has been Secretary/Treasurer of BOI from January 1, 2000, to the present.
14. Keanan Kintzel holds a 28 percent equity interest in BOI.
15. Keanan Kintzel has been Secretary of Buzz Telecom from January 1, 2000, to the present.
16. Keanan Kintzel has been President of US Bell from January 1, 2000, to the present.
17. Kurtis Kintzel and Keanan Kintzel are brothers.
18. Elizabeth Ontiveros Rosas is a director of BOI.
19. Elizabeth Ontiveros Rosas has been a director of BOI from January 1, 2000, to the present.
20. Elizabeth Ontiveros Rosas has been Vice President of Operations of Buzz Telecom from January 1, 2000, to the present.
21. BOI, Buzz Telecom and US Bell have had their business headquarters at 8380 Louisiana Street, Merrillville, Indiana from January 1, 2000, to the present.
22. BOI, Buzz Telecom and US Bell have had common ownership from January 1, 2000, to the present.
23. William Brzycki was BOI's Vice President of Administration at BOI between and including September 12 and October 3, 2002.
24. Lisa Green was BOI's Regulatory Expansion Officer on December 20, 2002.
25. Shannon Dennie was BOI's Director of Corporate Affairs between and including December 9, 2002, and January 8, 2003.
26. Gene Chill was BOI's Vice President of Administration on December 4, 2002.

27. Katrina Reillo was BOI's Director of Sales Training on May 15, 2002.

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28. In March and April 2002, section 258 of the Act (47 U.S.C. § 258) required BOI to comply with the Commission's verification procedures before submitting a change in a subscriber's preferred interLATA/toll provider.
29. In March and April 2002, 47 C.F.R. § 64.1120 required BOI to obtain verification of the authorization to change a subscriber's preferred interLATA/toll provider.
30. In March and April 2002, section 258 of the Act required BOI to comply with the Commission's verification procedures before submitting a change in a subscriber's preferred intraLATA/toll provider.
31. In March and April 2002, 47 C.F.R. § 64.1120 required BOI to obtain verification of the authorization to change a subscriber's preferred intraLATA/toll provider.
32. On March 8, 2002, a BOI employee called telephone number 217-932-5584 ("March 8 BOI Call").
33. The purpose of the March BOI 8 Call was to seek authorization for a change in that number's subscriber's preferred interLATA/toll and intraLATA/toll providers.
34. On March 8, 2002, a BOI employee spoke with Barbara Beeson ("Ms. Beeson") at telephone number 217-932-5584.

35. On March 8, 2002, Ms. Beeson's local exchange telephone service provider was Verizon.
36. Immediately prior to March 8, 2002, Ms. Beeson's interLATA/toll and intraLATA/toll provider was Verizon.
37. During the March 8 BOI Call, the BOI employee represented to Ms. Beeson that she (the BOI employee) was calling on behalf of Verizon.
38. The BOI employee's March 8, 2002, representation that she was calling on behalf of Verizon was false.
39. At the time she made the representation on March 8, 2002, that she was calling on behalf of Verizon, the BOI employee knew that her representation was false.
40. On March 8, 2002, BOI Management knew that its employee represented to Ms. Beeson that the employee was calling on behalf of Verizon.
41. On March 8, 2002, BOI Management knew that its employee's representation to Ms. Beeson – that she was calling on behalf of Verizon – was false.
42. On March 8, 2002, Ms. Beeson did not authorize BOI to switch her preferred interLATA/toll provider from Verizon to BOI.
43. If BOI obtained Ms. Beeson's authorization to change her preferred interLATA/toll provider from Verizon to BOI on March 8, 2002, it did so by falsely representing that it was calling on behalf of Verizon.
44. On March 8, 2002, Ms. Beeson did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred interLATA/toll provider from Verizon to BOI.

45. On March 8, 2002, BOI submitted a request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI.
46. On March 8, 2002, Qwest submitted a request to Verizon to change Ms. Beeson's preferred interLATA/toll provider to BOI.
47. On March 8, 2002, Verizon changed Ms. Beeson's preferred interLATA/toll provider to BOI.
48. Before BOI submitted, on March 8, 2002, its request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
49. Before BOI submitted, on March 8, 2002, its request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
50. Before BOI submitted, on March 8, 2002, its request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, BOI did not obtain her oral authorization to do so from an appropriately qualified independent third party.
51. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the identity of the subscriber.
52. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an

appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.

53. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
54. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
55. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the telephone number to be switched.
56. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the type of service involved.
57. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not record the verification in its entirety.

58. BOI does not possess an audio record that verifies authorization of a change made on March 8, 2002, of Ms. Beeson's preferred interLATA/toll provider from Verizon to BOI.
59. BOI has never maintained an audio record that verifies authorization of a change made on March 8, 2002, of Ms. Beeson's preferred interLATA/toll provider from Verizon to BOI.
60. BOI, through USBI and Verizon, billed Ms. Beeson for interLATA/toll service provided by BOI during the month of March 2002.
61. Ms. Beeson did not authorize BOI to switch her preferred intraLATA/toll provider from Verizon to BOI on March 8, 2002.
62. Ms. Beeson did not verify on March 8, 2002, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred intraLATA/toll provider from Verizon to BOI.
63. On March 8, 2002, BOI submitted a request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI.
64. On March 8, 2002, Qwest submitted a request to Verizon to change Ms. Beeson's preferred intraLATA/toll provider to BOI.
65. On March 8, 2002, Verizon changed Ms. Beeson's preferred intraLATA/toll provider to BOI.
66. Before BOI submitted, on March 8, 2002, its request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.

67. Before BOI submitted, on March 8, 2002, its request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
68. Before BOI submitted, on March 8, 2002, its request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, BOI did not obtain her oral authorization to do so from an appropriately qualified independent third party.
69. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the identity of the subscriber.
70. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
71. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
72. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.

73. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the telephone number to be switched.
74. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the type of service involved.
75. With respect to the request submitted on March 8, 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not record the verification in its entirety.
76. BOI does not possess an audio record that verifies authorization of a change made on March 8, 2002, of Ms. Beeson's preferred intraLATA/toll provider from Verizon to BOI.
77. BOI has never maintained an audio record that verifies authorization of a change made on March 8, 2002, of Ms. Beeson's preferred intraLATA/toll provider from Verizon to to BOI.
78. BOI, through USBI and Verizon, billed Ms. Beeson for intraLATA/toll service provided by BOI during the month of March 2002.
79. BOI charged Ms. Beeson \$.20 per minute for all intrastate toll calls (whether interLATA/toll or intraLATA) made during March 2002.
80. On April 15, 2002, Ms. Beeson contacted BOI at 1-888-476-8724.

81. On April 15, 2002, a BOI employee transferred Ms. Beeson's call to BOI's business office.
82. No one from BOI's business office took Ms. Beeson's call on April 15, 2002, as the office was closed when her call was transferred to it.
83. No one from BOI contacted Ms. Beeson between April 15 and 23, 2002, in response to her April 15, 2002 call.
84. Between April 15 and 23, 2002, Ms. Beeson did not authorize BOI to switch her preferred interLATA/toll provider to BOI.
85. Between April 15 and 23, 2002, Ms. Beeson did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred interLATA/toll provider to BOI.
86. Sometime between April 15 and 23, 2002, BOI submitted a request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI.
87. On April 23, 2002, Qwest submitted a request to Verizon to change Ms. Beeson's preferred interLATA/toll provider to BOI.
88. On April 23, 2002, Verizon changed Ms. Beeson's preferred interLATA/toll provider to BOI.
89. Before BOI submitted, in April 2002, its request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.

90. Before BOI submitted, in April 2002, its request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
91. Before BOI submitted, in April 2002, its request to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, BOI did not obtain her oral authorization to do so from an appropriately qualified independent third party.
92. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the identity of the subscriber.
93. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
94. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
95. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.

96. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the telephone number to be switched.
97. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the type of service involved.
98. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not record the verification in its entirety.
99. BOI does not possess an audio record that verifies authorization of a change made on April 23, 2002, of Ms. Beeson's preferred interLATA/toll provider to BOI.
100. BOI has never maintained an audio record that verifies authorization of a change made on April 23, 2002, of Ms. Beeson's preferred interLATA/toll provider to BOI.
101. BOI, through USBI and Verizon, billed Ms. Beeson for interLATA/toll service provided by BOI during the months of April and May 2002.
102. Between April 15 and 23, 2002, Ms. Beeson did not authorize BOI to switch her preferred intraLATA/toll provider to BOI.

103. Between April 15 and 23, 2002, Ms. Beeson did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred intraLATA/toll provider to BOI.
104. Sometime between April 15 and 23, 2002, BOI submitted a request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI.
105. On April 23, 2002, Qwest submitted a request to Verizon to change Ms. Beeson's preferred intraLATA/toll provider to BOI.
106. On April 23, 2002, Verizon changed Ms. Beeson's preferred intraLATA/toll provider to BOI.
107. Before BOI submitted, in April 2002, its request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
108. Before BOI submitted, in April 2002, its request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
109. Before BOI submitted, in April 2002, its request to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, BOI did not obtain her oral authorization to do so from an appropriately qualified independent third party.
110. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an

appropriately qualified independent third party did not elicit the identity of the subscriber.

111. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
112. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
113. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
114. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the telephone number to be switched.
115. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the type of service involved.

116. With respect to the request submitted in April 2002, by BOI to Qwest to change Ms. Beeson's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not record the verification in its entirety.
117. BOI does not possess an audio record that verifies authorization of a change made on April 23, 2002, of Ms. Beeson's preferred intraLATA/toll provider to BOI.
118. BOI has never maintained an audio record that verifies authorization of a change made on April 23, 2002, of Ms. Beeson's preferred intraLATA/toll provider to BOI.
119. BOI, through USBI and Verizon, billed Ms. Beeson for intraLATA/toll service provided by BOI during the months of April and May 2002.
120. BOI billed Ms. Beeson \$.20 per minute for intrastate toll calls (whether interLATA/toll or intraLATA) made during April and May 2002.

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121. In January 2002, section 258 of the Act required BOI to comply with the Commission's verification procedures before submitting a change in a subscriber's preferred interLATA/toll provider.
122. In January 2002, 47 C.F.R. § 64.1120 required BOI to obtain verification of the authorization to change a subscriber's preferred interLATA/toll provider.

123. In January 2002, section 258 of the Act required BOI to comply with the Commission's verification procedures before submitting a change in a subscriber's preferred intraLATA/toll provider.
124. In January 2002, 47 C.F.R. § 64.1120 required BOI to obtain verification of the authorization to change a subscriber's preferred intraLATA/toll provider.
125. On January 4, 2002, a BOI employee called telephone number 207-474-2170 ("January 4 BOI Call").
126. The purpose of the January 4 BOI Call was to seek authorization for a change in that number's subscriber's preferred interLATA/toll and intraLATA/toll providers.
127. On January 4, 2002, a BOI employee spoke with Paul Brackett ("Mr. Brackett") at telephone number 207-474-2170.
128. On January 4, 2002, Mr. Brackett's local exchange telephone service provider was Verizon.
129. Immediately prior to January 4, 2002, Mr. Brackett's interLATA/toll and intraLATA/toll provider was AT&T.
130. On January 4, 2002, Mr. Brackett did not authorize BOI to switch his preferred interLATA/toll provider from AT&T to BOI.
131. On January 4, 2002, Mr. Brackett did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch his preferred interLATA/toll provider from AT&T to BOI.
132. Sometime between January 4 and January 11, 2002, BOI submitted a request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI.

133. On January 11, 2002, Qwest submitted a request to Verizon to change Mr. Brackett's preferred interLATA/toll provider to BOI.
134. On January 11, 2002, Verizon changed Mr. Brackett's preferred interLATA/toll provider to BOI.
135. Before BOI submitted its January 2002 request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain his written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
136. Before BOI submitted its January 2002 request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain his electronic authorization to do so.
137. Before BOI submitted its January 2002 request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI used Great Lakes Verification Company as its third party verifier.
138. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred interLATA/toll provider, the document attached hereto as Attachment A is a complete and accurate transcription of the January 4, 2002, conversation between a representative from Great Lakes Verification Company and Mr. Brackett.
139. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.

140. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
141. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
142. BOI does not possess an audio record that verifies authorization of a change made on January 11, 2002, of Mr. Brackett's preferred interLATA/toll provider from AT&T to BOI.
143. BOI has never maintained an audio record that verifies authorization of a change made on January 11, 2002, of Mr. Brackett's preferred interLATA/toll provider from AT&T to BOI.
144. BOI, through USBI and Verizon, billed Mr. Brackett for interLATA/toll service provided by BOI between January 11, 2002 and May 14, 2002.
145. On January 4, 2002, Mr. Brackett did not authorize BOI to switch his preferred intraLATA/toll provider from AT&T to BOI.
146. On January 4, 2002, Mr. Brackett did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch his preferred intraLATA/toll provider from AT&T to BOI.
147. Sometime between January 4 and January 11, 2002, BOI submitted a request to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI.

148. On January 11, 2002, Qwest submitted a request to Verizon to change Mr. Brackett's preferred intraLATA/toll provider to BOI.
149. On January 11, 2002, Verizon changed Mr. Brackett's preferred intraLATA/toll provider to BOI.
150. Before BOI submitted, in January 2002, its request to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, BOI did not obtain his written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
151. Before BOI submitted, in January 2002, its request to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, BOI did not obtain his electronic authorization to do so.
152. Before BOI submitted, in January 2002, its request to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, BOI used Great Lakes Verification Company as its third party verifier.
153. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, the document attached hereto as Attachment A is a complete and accurate transcription of the January 4, 2002, conversation between a representative from Great Lakes Verification Company and Mr. Brackett.
154. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.

155. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
156. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the telephone number to be switched.
157. With respect to the request submitted in January 2002, by BOI to Qwest to change Mr. Brackett's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the type of service involved.
158. BOI does not possess an audio record that verifies authorization of a change made on January 11, 2002, of Mr. Brackett's preferred intraLATA/toll provider from AT&T to BOI.
159. BOI has never maintained an audio record that verifies authorization of a change made on January 11, 2002, of Mr. Brackett's preferred intraLATA/toll provider from AT&T to BOI.
160. BOI, through USBI and Verizon, billed Mr. Brackett for intraLATA/toll service provided by BOI between January 11, 2002 and May 14, 2002.
161. On or about May 14, 2002, Mr. Brackett, or his nephew, Bruce Brackett, submitted a request to Verizon to change Mr. Brackett's preferred interLATA/toll and intraLATA/toll providers from BOI.

162. On May 14, 2002, Verizon changed Mr. Brackett's preferred interLATA/toll and intraLATA providers from BOI.
163. Between May 14, 2002 and 22, 2002, no one from BOI contacted Mr. Brackett regarding the May 14, 2002 request to change Mr. Brackett's interLATA/toll and intraLATA/toll providers from BOI.
164. In May 2002, section 258 of the Act required BOI to comply with the Commission's verification procedures before submitting a change in a subscriber's preferred interLATA/toll provider.
165. In May 2002, 47 C.F.R. § 64.1120 required BOI to obtain verification of the authorization to change a subscriber's preferred interLATA/toll provider.
166. In May 2002, section 258 of the Act required BOI to comply with the Commission's verification procedures before submitting a change in a subscriber's preferred intraLATA/toll provider.
167. In May 2002, 47 C.F.R. § 64.1120 required BOI to obtain verification of the authorization to change a subscriber's preferred intraLATA/toll provider.
168. Between May 14 and 22, 2002, Mr. Brackett's local exchange telephone service provider was Verizon.
169. Between May 14 and 22, 2002, Mr. Brackett's interLATA/toll and intraLATA/toll providers were not BOI.
170. Between May 14 and 22, 2002, Mr. Brackett did not authorize BOI to switch his preferred interLATA/toll provider to BOI.

171. Between May 14 and 22, 2002, Mr. Brackett did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch his preferred interLATA/toll provider to BOI.
172. Between May 14 and 22, 2002, Bruce Brackett did not authorize BOI to switch Mr. Brackett's preferred interLATA/toll provider to BOI.
173. Between May 14 and 22, 2002, Bruce Brackett did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch Mr. Brackett's preferred interLATA/toll provider to BOI.
174. Between May 14 and 22, 2002, BOI submitted a request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI.
175. On May 22, 2002, Qwest submitted a request to Verizon to change Mr. Brackett's preferred interLATA/toll provider to BOI.
176. On May 22, 2002, Verizon changed Mr. Brackett's preferred interLATA/toll provider to BOI.
177. Before BOI submitted, in May 2002, its request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain his written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
178. Before BOI submitted, in May 2002, its request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain his electronic authorization to do so.
179. Before BOI submitted, in May 2002, its request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain his

oral authorization to do so from an appropriately qualified independent third party.

180. Before BOI submitted, in May 2002, its request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain Bruce Brackett's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
181. Before BOI submitted, in May 2002, its request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain Bruce Brackett's electronic authorization to do so.
182. Before BOI submitted, in May 2002, its request to Qwest to change Mr. Brackett's preferred interLATA/toll provider to BOI, BOI did not obtain Bruce Brackett's oral authorization to do so from an appropriately qualified independent third party.
183. With respect to the request submitted in May 2002 by BOI to Qwest to change Mr. Brackett's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
184. With respect to the request submitted in May 2002 by BOI to Qwest to change Mr. Brackett's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
185. With respect to the request submitted in May 2002 by BOI to Qwest to change Mr. Brackett's preferred interLATA/toll provider, an appropriately qualified